United Nations

EP

Governing Council of the United Nations Environment Programme

Distr.
GENERAL

UNEP/GC.17/5
2 February 1993

ORIGINAL: ENGLISH

Seventeenth session
Nairobi, 10-21 May 1993

ITEM 7:* PROGRAMME MATTERS, INCLUDING THE IMPLEMENTATION OF THE PLAN OF ACTION TO COMBAT DESERTIFICATION

PROGRAMME MATTERS REQUIRING POLICY GUIDANCE FROM THE COUNCIL

Report of the Executive Director

Summary

The present document and its addenda set forth a series of programme matters that require policy guidance from the Council. Most of these matters are being brought to the attention of the Council at the Council's own request, as indicated by the various programme decisions adopted by the Council at its sixteenth session. The present document contains:

(a) An examination of the possibility of establishing UNEP centres for the transfer of environmentally sound technologies in equal numbers in developed and developing countries, as requested by the Governing Council in its decision 16/34, paragraph 6. The Executive Director holds the view that the establishment of three additional international centres would be useful, but in view of the substantial financial resources that would be needed to achieve this, considers that it is premature to include these projects within the UNEP programme at this time;

(b) A brief report describing developments in the status of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal; the outcome of the first meeting of the Parties to the Convention in December 1992; and UNEP activities within the joint Working Group on the Carriage of Irradiated Nuclear Fuel by Sea; and

(c) A report describing activities related to the development of environmental law, including the results of two consecutive sessions of the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme for the Development and Periodic Review of Environmental Law. The Montevideo Programme for the present decade, adopted by the Meeting at its resumed session in Nairobi in September 1992, will be found in the Annex to the present report for consideration and adoption by the Governing Council.

---

* Refers to the number of the item on the Provisional Agenda (UNEP/GC.17/1).

I. QUESTION OF ESTABLISHING INTERNATIONAL ENVIRONMENTAL TECHNOLOGY CENTRES IN COUNTRIES OTHER THAN JAPAN

1. The Governing Council, in its decision 16/34 on the UNEP International Environmental Technology Centre, requests the Executive Director "to explore, within the context of the present decision, the possibility of establishing centres of this type in equal numbers in developed and developing countries and to report thereon to the Council at its seventeenth session." To implement this decision, the Executive Director, on 17 July 1991, sent letters to the Governments of 20 selected countries (10 developed and 10 developing) seeking their views on the desirability and feasibility of establishing such a centre in their respective countries. Four developing countries responded, three of which considered the establishment of such a centre in their respective countries as positive. No response has been received from developed countries.

2. The Executive Director, having reviewed the broader international needs, holds the view that the establishment of the following three international centres might be warranted:

(a) A centre for industrial pollution control technologies in East Europe or nearby;

(b) A centre for forestry, agroforestry, afforestation and soil management technologies in Latin America and the Caribbean; and

(c) A centre for rangeland management and desertification control technologies in Africa.

3. The Executive Director, however, considers that a number of technical questions have to be dealt with before proceeding with the establishment of such centres, involving, *inter alia*, two main issues: the modalities of establishing the centres; and the links and coordination with existing centres. Financing for establishing any such centres also has to be identified and ensured for the longer term.

Modalities of establishing a centre

4. The International Environmental Technology Centre in Japan has been established as an integral part of UNEP. Its staff members are thus staff members of UNEP, recruited in accordance with the rules and procedures of the United Nations. The Centre will be funded through the Programme Budget of UNEP and substantial financial support from the Japanese Government. It will also benefit from in-kind contributions from the two Japanese foundations established in the host country for that purpose. In addition, all of the initial investment, such as the construction of buildings involving significant costs, has been provided by the host country.

5. Given the financial situation of the Environment Fund, the establishment of a new centre (or centres) will not be feasible without a major financial contribution from extra budgetary sources. The Executive Director, therefore, holds the view that, unless an indication of such contributions is secured, it is unrealistic for UNEP to plan to establish any new centre (or centres) in the near future. However, financial constraints would be less important if UNEP could identify a centre (or centres) of excellence and such a centre (or centres) were already established and already had the resources required to undertake the work in one of the areas identified in paragraph 2 above.

Links and coordination with existing centres

6. As far as an African centre for rangeland management and anti-desertification technologies is concerned, there are now centres of excellence with which UNEP has close links. For instance, a great number of institutions are already actively involved in issues related to resource management in arid zones and dryland degradation. Some of the most important include the Sahara and Sahel Observatory (OSS); the Arab Centre for the Study of Arid Zones and Drylands (ACSAD); and institutes of the Consultative Group on International Agricultural Research (CGIAR), such as the International Livestock Centre for Africa (ILCA), the International Laboratory for Research on Animal Diseases (ILRAD), the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT), the International Centre for Research in Agroforestry (ICRAF) and the International Institute for Tropical Agriculture (IITA). Some of these institutions are already working on Technologies appropriate for the Centre under consideration, but it seems that, overall, they are more concerned with basic research than the propagation of the appropriate technologies in an integrated manner. The African Ministerial Conference on the Environment (AMCEN) soils and fertilization network (Ghana) and the Desert Research Institute (Egypt), have good potential for UNEP to affiliate them within the context of specific activities, though the institutions will need full financial assistance if they are to be mandated with a new set of activities.

7. A similar comment might be made concerning a Latin American and the Caribbean centre in the fields of forestry, agroforestry, afforestation and soil management, since there are a number of existing institutions, in particular CGIAR-related institutions, such as the Centre for International Forestry Research (CIFOR) ICRAF and the regional Inter-American Institute for Cooperation on Agriculture (IICA).

8. As concerns the East European centre for industrial pollution technology, it is understood that Germany is already examining the feasibility of such a regional centre under UNEP's auspices.

9. The Executive Director will continue to keep this subject under review.

Suggested action by the Governing Council

The Governing Council may wish to take note of this report and request the Executive Director to keep under review the desirability and feasibility of establishing technology centres sometime in the future.

II. HAZARDOUS WASTES

A. *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*

10. The Basel Convention entered into force on 5 May 1992, after the twentieth instrument of ratification/accession had been deposited as requested by Article 25 of the Convention. As at January 1993, 39 countries had ratified or acceded to the Convention. The first meeting of the Conference of the Parties, together with its preparatory session, were held from 30 November to 4 December 1992 in Piriapolis, at the invitation of the Government of Uruguay.

11. The Conference of the Parties adopted 23 decisions regarding the implementation of the Convention. UNEP has been performing the functions of Secretariat of the Convention on an interim basis since 1989. The Conference requested UNEP to carry out the functions of the permanent Secretariat and, pursuant to this request, the Executive Director of UNEP established the Secretariat, effective 1 January 1993, in accordance with the structure contained in the budget as approved by the Conference for the years 1993 and 1994. The Secretariat is located in Geneva at the invitation of the Governing of Switzerland. The Conference also decided that its second meeting should take place in February/March 1994. In accordance with its decision I/7 (Institutional and financial arrangements), the Conference of the Parties invited the Secretary-General of the United Nations to establish two trust funds: a trust fund for the Basel Convention; and a technical cooperation trust fund to support developing countries and other countries in need of such assistance to implement the Convention.

12. The main tasks of the Secretariat are to implement the provisions of the Convention as well as the 23 decisions adopted by the Conference of the Parties. The Secretariat will implement technical assistance projects, in particular related to training in Africa, the Caribbean, Latin America, Asia and the Pacific, and will respond, within the resources made available to it, to requests by Parties and, if appropriate by non-Parties, for assistance in environmentally sound management of hazardous wastes, development of national legislation in this field and in capacity building.

Suggested action by the Governing Council

The Governing Council may wish to urge all Governments that have not yet ratified or acceded to the Basel Convention to do so as soon as possible, and in particular Governments of developed countries, who are the main generators of hazardous wastes; appeal to Governments, Parties and non-Parties who have still not paid their contributions for 1993 to the Trust Fund for the Basel Convention and the Technical Cooperation Trust Fund, to do so as a matter of highest priority to enable the Secretariat to implement the decisions of the Fist Meeting of the Conference of the Parties as well as the relevant parts of Agenda 21.

B. *Environmentally sound management of hazardous wastes*

13. The Governing Council, in its decision 16/30 of 31 May 1991 on the environmentally sound management of hazardous waste, in particular operative paragraphs 1 and 2, requested the Executive Director to prepare, through the Interim Secretariat for the Basel Convention and in cooperation with other international and intergovernmental organizations, draft elements of an international strategy and an action programme, including technical guidelines, for the environmentally sound management of hazardous wastes. In the same decision, the Council also requested the Executive Director to convene an ad hoc meeting of government-designated experts to consider draft elements and a possible international strategy and action programme.

14. The Ad Hoc Meeting of Government-designated Experts took place in Nairobi from 9 to 11 December 1991. The experts agreed that a comprehensive framework for an international strategy for the environmentally sound management of hazardous wastes was required and spelled out the overall objective of such an international strategy in the following terms: "Within the framework of integrated life-cycle management, prevent, to the extent possible, and minimize the generation of

hazardous waste, treat and dispose of the wastes in such a way that they do not cause harm to health and the environment, and eliminate or reduce transboundary movements of hazardous wastes".

15. The report of the Ad Hoc Meeting of Government-designated Experts was presented to the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED) at its fourth session in New York (2 March-3 April 1992) and to UNCED in Rio de Janeiro in June 1992. These elements of an international strategy are being made available to Governments to serve as guidance for the elaboration of national strategies for the environmentally sound management of hazardous wastes.

16. The Parties to the Basel Convention, at their first meeting from 30 November to 4 December 1992 in Piriapolis, Uruguay, in a decision based *inter alia* on the outcome of the ad hoc meeting of government-designated experts, requested the Secretariat, in cooperation with other units of UNEP and other relevant international organizations, to organize national and regional seminars or workshops and training programmes on the implementation of the Basel Convention and the environmentally sound management of wastes and hazardous wastes and to help promote the adoption of cleaner production methods and new low-waste technologies.

Suggested action by the Governing Council

The Governing Council may wish to invite Governments to use the elements of the international strategy while preparing, consolidating or revising national strategies for environmentally sound management or hazardous wastes; invite relevant international and intergovernmental organizations to use, as appropriate, the elements of the international strategy in their programmes and activities concerning or related to environmentally sound management of hazardous wastes; urge developed countries to assist developing and other countries or countries in transition to a market economy which demonstrate a need for assistance in technology transfer to minimize the generation of hazardous wastes; request the Secretariat of the Basel Convention to keep under review the use of the elements of the international strategy.

C. *Joint IAEA/IMO/UNEP Working Group on the Carriage of Irradiated Nuclear Fuel by Sea*

17. On 1 September 1992, the Executive Director of UNEP received letters from some Governments and non-governmental organizations expressing concern about the planned shipment of plutonium from France to Japan and the possible implications for human life and the environment should an accident occur.

18. The Executive Director sent a letter to the Director-General of the International Atomic Energy Agency (IAEA) and to the Secretary-General of the International Maritime Organization (IMO) suggesting they meet with a view to preparing a common stand on future policies in this respect, in view of the implications of such a shipment in the case of an accident or other unforeseen event. The meeting took place in New York on 21 October 1992, attended by the Executive Director of UNEP, the Director-General of IAEA and the Director of the Maritime Safety Division of IMO, on behalf of its Secretary-General.

19. At the meeting, the Executive Director of UNEP was informed that a Joint IAEA/IMO Working Group on the Carriage of Irradiated Nuclear Fuel by Sea had been established in 1991 and that the first meeting of the Group would take place in London from 8 to 11 December 1992, parallel to the sixty-first session of the Maritime Safety Committee of IMO. UNEP was asked to join the Working Group. The 33rd Maritime Environment Protection Committee of IMO welcomed the participation of UNEP in the Joint Working Group. This was also endorsed by the Maritime Safety Committee, which met in London from 8 to 11 December 1992.

20. UNEP participated in the Joint IAEA/IMO/UNEP Working Group only at the secretariat level. IAEA and IMO participated at the secretariat level and at the level of technical experts from member States of the two organizations. UNEP stated at the beginning of the meeting that a final decision on the participation of UNEP at the Government expert level should be decided by the Governing Council of UNEP.

21. The terms of reference of the Joint Working Group comprise:

(a) To study the adequacy of existing provisions for the safe transport of irradiated nuclear fuel by sea;

- To take into account the impact of marine accidents, such as fire, explosion or breach of the hull, on package integrity;

- To assess the probabilities of such accidents occurring;

(b) Within the provisions of the tasks specified under subparagraph (a) above, to make recommendations for any action deemed necessary;

(c) To consider whether the marine transport of other radioactive material should be studied.

22. The meeting adopted a code of practice for the safe carriage of irradiated nuclear fuel in flasks on board ship, which had been prepared and discussed with IMO for the last seven years. The meeting also agreed on the possibility of preparing an amendment to the code to widen its scope to cover plutonium and high-level nuclear waste. These amendments should be based on data and information to be submitted to the Joint Working Group.

23. Concerning the marine transport of plutonium and high-level waste, the Working Group decided that it would examine the data related to the packaging standards of IAEA and, if there proved to be a need to change such standards, the Working Group would make the appropriate recommendations to IAEA, which would take the final decision in accordance with its rules and regulations.

24. The next meeting of the Joint Working Group will take place in Vienna from 19 to 23 April 1993. Its work programme will include:

- Review of the IAEA packaging standards;

- Amendments to the code of practice for the safe carriage of irradiated nuclear fuel in flasks on board ships;

- Emergency response;

- Radioactive consequences following an accident.

25. The Secretariat of the Basel Convention would be present at the next meeting, if a decision were to be taken by the Governing Council concerning the participation of States in the Joint Working Group, separate invitations would have to be sent from UNEP to its member States, as has been done by IMO and IAEA. Such a decision would imply that UNEP would host the meetings alternately with IMO and IAEA.

Suggested action by the Governing Council

The Governing Council may wish to decide that the participation of UNEP in the Joint Working Group shall be at both the UNEP secretariat level (represented by the Secretariat of the Basel Convention), and at the level of member States of the Governing Council of UNEP; request the Secretariat of the Basel Convention to report on the development of the work of the Joint Working Group to the Governing Council at its next regular session.

III. PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW

Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme

26. In 1981, an Ad Hoc Meeting of Senior Government Officials Expert in Environmental Law was held in Montevideo and provided the Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme). The Montevideo Programme, adopted by the Governing Council in its decision 10/21 of 31 May 1982, provided for the basis of UNEP's activities in the field of environmental law for the last decade, including the development of international legal instruments such as the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, the Goals and Principles of Environmental Impact Assessment, the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Waste and the London Guidelines for the Exchange of Information on Chemicals in International Trade.

27. The work on the preparation of the Convention on Biological Diversity was also initiated under the Programme. Additionally, under the Montevideo Programme UNEP has provided technical assistance to developing countries in the development of environmental legislation. Information on environmental law has been compiled and disseminated to Governments, organizations and the public, particularly through publications prepared under the Montevideo Programme such as the *Register of International Treaties and other Agreements in the Field of the Environment*.

28. In conjunction with UNEP's activities in the development of environmental law, which have been envisaged by Governing Council decision 16/25 of 31 May 1991, the Executive Director convened a session of the Meeting of Senior Government Officials Expert in Environmental Law for the Review of the Montevideo Programme at Rio de Janeiro from 30 October to 2 November 1991, followed by a resumed session held in Nairobi from 7 to 11 September 1992. The two sessions of the Meeting were attended by government experts from 81 countries and observers from one Government, one national liberation movement and 12 organizations.

29. At its session at Rio de Janeiro, the Meeting reviewed the activities of UNEP between 1982 and 1991 in the development of environmental law under the Montevideo Programme. On the basis of the review, the Rio de Janeiro session reiterated the conviction that environmental law was an essential instrument for proper environmental management and improvement of the quality of life. The Rio de Janeiro session also concluded that the 1981 Montevideo Programme was a well-conceived and pragmatic programme, which set out objectives and effective strategies to deal with the environmental problems foreseen at the time; that the Programme had generally been successfully implemented; that the Programme had stimulated the development of environmental law and also encouraged international action to negotiate legal instruments in new programme areas such as the conservation and rational use of biological diversity and climate change; and that the concise style and format of the Montevideo Programme had contributed to its success and should, therefore, be retained in the formulation of the Programme of Action for the next decade. The report of the session at Rio de Janeiro may be found in document UNEP/Env.Law/2/3 of 22 November 1991.

30. The Rio de Janeiro session and the resumed session in Nairobi considered in detail the draft programme prepared by the UNEP secretariat. On the basis of experience gained in the implementation of the Montevideo Programme and in the light of new developments such as Agenda 21, the Meeting adopted the Programme for the Development and Periodic Review of Environmental Law for the present decade. The Programme identifies 18 programme areas, together with the respective objectives, strategies and activities for action by UNEP. The Programme also identified an additional seven subjects for possible consideration during the present decade. The resumed session noted the necessity of requesting the Governing Council to urge the secretariat of UNEP to expedite action on the recommended Programme. The report of the resumed session held in Nairobi may be found in document UNEP/Env.Law/2-2/3 of 12 September 1992.

Suggested action by the Governing Council

The Governing Council may wish to take note of the present report; note that the work of UNEP in the development of environmental law under the Montevideo Programme for the Development and Periodic Review of Environmental Law has generally been successfully implemented since its adoption by the Governing Council in its decision 10/21 of 31 May 1982; adopt the Montevideo Programme for the Development and Periodic Review of Environmental Law for the present decade; request the Executive Director to implement the Programme and provide it with the necessary financial and personnel resources; further request the Executive Director to establish an appropriate mechanism to ensure a coherent coordination of the functioning of environmental conventions, including their secretariats, with a view to improving the effectiveness of the implementation of the conventions; and decide to review the implementation of the Programme not later than at its twentieth regular session.

ANNEX

PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW

- PROGRAMME AREAS, OBJECTIVES, STRATEGIES AND ACTIVITIES -

1. The following programme areas, together with the respective objectives, strategies and activities, are proposed as a non-exhaustive list of elements for the Programme:

A. *Enhancing the capacity of States to participate effectively in the development and implementation of environmental law*

Objective:

To achieve the full participation of all States in the development and effective implementation of environmental law and policy.

Strategy:

Strengthen the capacity of States, in particular developing countries, and countries with economies in transition to take measures to protect their environment, to achieve sustainable development and to participate effectively in the initiation, negotiation and implementation of international legal instruments in the field of the environment.

Activities:

Coordinate with relevant international organizations to:

(a) Assist States to establish and/or improve institutional and administrative machinery for the development and enforcement of laws and regulations related to the environment and to sustainable development;

(b) Improve arrangements for the receipt, processing and dissemination of information on environmental legislation from national, regional and international sources;

(c) Train appropriate personnel from developing countries and countries with economies in transition by means of the provision of grants and fellowships for training and in-work attachments, as well as by organizing relevant seminars and workshops on environmental law;

(d) Assist States in developing and strengthening relevant national institutions and improving coordination, within Governments among departments and agencies;

(e) Prepare and issue reference material providing information on practices and experiences in the development, negotiation and implementation of environmental law agreements;

(f) Arrange for appropriate financial and/or technical assistance to enable representatives of developing countries and countries with economies in transition to participate in the negotiation of new or in the revision of existing international environmental agreements and in the international operation of such agreements;

(g) Develop, where appropriate, guidelines for the preparation of national legislation for the implementation of international environmental agreements;

(h) Encourage States to develop national environmental action plans or strategies, pursuant to international environmental agreements.

B. *Implementation of international legal instruments in the field of the environment*

Objective:

To promote the effective implementation of international legal instruments in the field of the environment, in order to achieve their objectives.

Strategy:

Focus on the effective implementation of instruments by, *inter alia*, assisting the States concerned in considering the establishment of systems of reporting and verification, taking into account the special situation and needs of developing countries.

Activities:

Assist, as appropriate, concerned States and relevant international organizations to:

(a) Identify the real causes of non-compliance and provide the maximum possible assistance, especially to developing countries, to facilitate compliance;

(b) Establish efficient and practical reporting systems on the effective, full and prompt implementation of international legal instruments, considering, *inter alia*, the reporting systems in other fields such as human rights and nuclear activities, providing, where appropriate, for public comments on such reports;

(c) Examine the possibility of establishing verification systems for international legal instruments having regard to the experiences gained, *inter alia*, under the Montreal Protocol and in other relevant contexts;

(d) Consider the establishment of other appropriate procedures and mechanisms for promoting and facilitating effective, full and prompt implementation of international legal instruments;

(e) Consider appropriate ways in which relevant international bodies, such as UNEP, might contribute towards the further development of such procedures and mechanisms.

C. *Adequacy of existing international instruments*

Objective:

To encourage Parties to international environmental instruments to assess the adequacy of the operation of those instruments with regard to the particular problems they address and for the purpose of better integrating environmental and developmental concerns.

Strategy:

Encourage the States concerned to establish appropriate systems for ascertaining the adequacy of international environmental instruments in effectively responding to the problems they address, even when fully or adequately complied with, and develop additional measures to ensure effective responses to related environmental problems.

Activities:

Encourage, as appropriate, concerned States and international organizations to:

(a) Undertake assessments of the adequacy of existing environmental instruments, taking into account the previous studies undertaken in this area and provide for the inclusion in future environmental instruments of adequate mechanisms for undertaking such assessments. The assessments should:

(i) Look at and beyond the issue of how many States have become parties to a particular instrument;

(ii) Ascertain whether the instrument adopts an adequate strategy for tackling the problem or whether the strategy adopted in the instrument continues to be adequate for tackling the problem and, where lack of effectiveness is identified, consider ways to rectify the problem; and

(iii) Utilize scientific and technical reviews, where appropriate by independent experts, of the state of the relevant area of the environment;

(b) Consider appropriate ways in which relevant international bodies, such as UNEP and its Global Environment Monitoring System (GEMS), might contribute to such assessments;

(c) Promote broader accession to existing instruments, whilst being attentive to difficulties that might dissuade non-party States from accession.

D. *Dispute avoidance and settlement*

Objective:

To develop further the mechanisms to facilitate the avoidance and settlement of environmental disputes.

Strategy:

Develop methods, procedures and mechanisms that promote, *inter alia*, informed decisions, mutual understanding and confidence-building, with a view to avoiding environmental disputes and, where such avoidance is not possible, to their peaceful settlement.

Activities:

(a) Study and consider methods to broaden and make more effective the current mechanisms, such as the following, for possible inclusion in international legal instruments, where appropriate:

(i) Regular exchange of data and information;

(ii) Assessment of possible environmental impacts of planned measures on other States or areas beyond the limits of national jurisdiction;

(iii) Prior notification and consultation concerning planned measures that may have adverse impacts on other States or in areas beyond the limits of national jurisdiction;

(iv) Monitoring, fact-finding and reporting with regard to matters relating to obligations under the relevant instrument, even when no difference or dispute has yet arisen between the parties;

(v) Procedures to verify compliance through a non-judicial body established by the States Parties;

(vi) Compulsory or non-compulsory conciliation, whereby the Parties are committed to or voluntarily resort to conciliation by one or more experts whose report and recommendations are not, however, binding upon the Parties; and

(vii) Compulsory settlement of disputes, where appropriate, by one of the following means:

- Binding arbitration, in accordance with procedures established under the instrument;

- Judicial settlement, by submission of the dispute to the International Court of Justice or other relevant international tribunal;

(b) Consider the role that could be and has been played by the relevant international bodies, such as UNEP, in the anticipation, avoidance and resolution of disputes relating to the environment.

E. *Legal and administrative mechanisms for the prevention and redress of pollution and other environmental damage*

Objective:

To assist States in developing and implementing programmes of action for the prevention and redress of pollution and other environmental damage.

Strategy:

Promote development of legal and administrative measures to facilitate access to information on, and effective identification, control and management of, potentially harmful activities prior to their commencement and during their continuance, and to ensure the availability of appropriate redress for environmental damage.

Activities:

(a) Further develop rules and procedures for appropriate remedies to victims of damage from environmentally harmful activities as well as appropriate provisions for potential victims of such damage by means, *inter alia*, of:

(i) Equal and non-discriminatory access to national administrative and judicial processes and procedures;

(ii) Use of economic and other innovative incentives for prevention and mitigation of pollution and other environmental damage;

(iii) Mechanisms for compensation and restoration, taking into account their potential preventive effects.

(b) Develop, as necessary, suitable legal instruments, within the framework of global, regional or subregional instruments, on redress, including compensation and restoration, for environmental damage;

(c) Develop, as necessary, suitable legal instruments, for the prevention of environmental damage;

(d) Assist States, in particular developing countries and countries with economies in transition, in the development and implementation of necessary legislation and related administrative and institutional mechanisms for the implementation of relevant international instruments or national policies on the prevention of and redress for environmental damage.

F. *Environmental Impact Assessment*

Objective:

To promote widespread use of Environmental Impact Assessment (EIA) procedures by Governments and, where appropriate, international organizations as an essential element in development planning and for assessing the effects of potentially harmful activities on the environment.

Strategy:

Encourage the utilization of EIA as an essential tool for development planning and promotion of the concept of sustainable development.

Activities:

(a) Build upon and elaborate, at the national, subregional and regional levels, existing national and international methods and procedures, taking into account the activities of business and industry, including transnational corporations as well as non-governmental organizations;

(b) Promote general appreciation of EIA procedures by Governments and international organizations, taking into account the need to ensure that the application of EIA procedures takes due account of the capabilities and economic circumstances of developing countries;

(c) Provide assistance to developing countries and other countries in need in the elaboration of their national EIA legislation, methods and procedures;

(d) Promote preparation of regional agreements and guidelines on EIA, as appropriate;

(e) Promote wide acceptance of the principle that public participation is a necessary element of the EIA procedures;

(f) Promote the methods and procedures of EIA as a tool for international cooperation in cases of activities and in particular projects likely to have transboundary effects.

G. *Environmental awareness, education, information and public participation*

Objective:

To promote public awareness of international environmental issues and regimes through education, provision of information and greater public participation in the consideration of international environmental regimes and the development of national laws, rules and standards.

Strategy:

Adopt and actively pursue public-awareness programmes relating to environmental issues and the development and implementation of international and national regimes concerning the environment and associated institutional mechanisms, in cooperation, wherever appropriate, with other bodies, including governmental and non-governmental organizations and educational institutions.

Activities:

(a) Promote public awareness of environmental instruments, principles and concepts and their integration into education at all levels and into research and development activities;

(b) Promote institutional mechanisms for the availability of educational and informative material on environmental issues;

(c) Facilitate public participation, including increased access to information, at appropriate stages in environmental decision-making, especially with regard to legislative, administrative and enforcement processes at the national and international levels and bearing in mind Principle 10 of the Rio Declaration;

(d) Coordinate with relevant international organizations, including organizations which provide financing for educational projects or programmes in developing countries and countries with economies in transition, on projects in this area.

H. *Concepts or principles significant for the future of international environmental law*

Objective:

Further develop, as appropriate, international environmental law.

Strategy:

Consider concepts or principles which may be applicable to the formation and development of international law in the field of environment and sustainable development.

Activities:

In cooperation with relevant United Nations and other competent international bodies:

(a) Examine existing environmental treaties, as well as other legal instruments, guiding principles and guidelines, with the aim of identifying principles or concepts which may be applicable to the formation and development of international environmental law;

(b) Review and, as appropriate, develop emerging and evolving concepts or principles which may be applicable to the formation and development of international environmental law;

(c) Consider, as appropriate, the further development of environmental rights and responsibilities;

(d) Review the branches of international law relevant to environmental law, with a view to identifying and assessing the emergence of new legal concepts and principles, as well as evolution in the content of established legal concepts and principles, considering their application to the development of international law in the field of environment and sustainable development.

I. *Protection of the stratospheric ozone layer*

Objective:

To protect human health and environment against adverse effects resulting from or likely to result from human activities which deplete or are likely to deplete the ozone layer.

Strategy:

Promote the widest possible acceptance and effective implementation of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and its adjustments and amendments and utilize the institutions and mechanisms established under these for further development of national and international programmes to respond to current and future concerns.

Activity:

Promote the widest acceptance of the Vienna Convention and the Montreal Protocol as adjusted and amended and provide appropriate support to States Parties to, and mechanisms of, those instruments to facilitate their full implementation.

J. *Transboundary air pollution control*

Objective:

To promote and develop international cooperation for the prevention and reduction to environmentally acceptable levels of emissions causing transboundary air pollution and their effect which causes damage to the environment.

Strategy:

(a) Consider the possible development of international legal instruments and mechanisms at appropriate levels for the prevention, control and reduction to acceptable levels of emissions causing transboundary air pollution and their effects;

(b) Assist States, in particular developing countries and countries with economies in transition, to promote the development of national arrangements and programmes to prevent, control and reduce emissions causing transboundary air pollution and their effects.

Activities:

(a) Encourage and assist, if necessary, the development of bilateral, subregional and regional cooperative initiatives, as appropriate regarding the activities provided for in paragraph 28(a) in Chapter 9 of Agenda 21, including monitoring and assessment procedures, and taking into account any existing relevant instruments;

(b) Consider whether emissions causing transboundary air pollution and their effect might be appropriately addressed at the global level, and if so, what form such action might take;

(c) Encourage and assist the development and implementation of national legislation, institutions and programmes, particularly in developing countries and in countries with economies in transition including effective enforcement mechanisms.

K. *Conservation, management and sustainable development of soils and forests*

Objective:

To develop suitable regimes for conservation, management and sustainable development of soils and forests, taking into account the close links between desertification, deforestation, climate change and biological diversity.

Strategy:

In close cooperation with agencies and organizations engaged in such fields as soil conservation, forestry, land use, and desertification, promote the implementation of the World Soil Charter, the relevant elements of the World Conservation Strategy, the Plan of Action to Combat Desertification, the Forest Principles adopted at the United Nations Conference on Environment and Development and the Tropical Forestry Action Programme, by proposing measures for their effective implementation at appropriate levels, through the use, *inter alia*, of arrangements which address problems in these areas in accordance with relevant chapters of Agenda 21.

Activities:

(a) Promote effective implementation of the Plan of Action for the realization of the goals and objectives of the World Soil Charter, including the preparation of guidelines for domestic legislation and related institutional mechanisms;

(b) Develop appropriate arrangements for coordination of the activities of the various bodies engaged in such fields as soil conservation, forestry, land use and desertification;

(c) Contribute, as appropriate, to the development of arrangements, at appropriate levels, establishing agreed strategies and action plans and programmes on these subjects;

(d) Contribute to the development of an international convention to combat desertification pursuant to paragraph 12.40 of chapter 12 of Agenda 21 and in accordance with relevant decisions of the United Nations General Assembly;

(e) Promote the early entry into force of the Convention on Biological Diversity and the Framework Convention on Climate Change, with the widest possible participation;

(f) Promote national and regional arrangements for coordination and cooperation between relevant bodies and institutions;

(g) Promote integrated national and regional policies, as well as education and training programmes for the implementation of such policies;

(h) Promote the implementation of the Forest Principles adopted at the United Nations Conference on Environment and Development, and on the basis of the implementation of the principles, consider the need for, and feasibility of, appropriate internationally agreed arrangements to promote international cooperation on forest management, conservation and sustainable development of all types of forests in accordance with paragraph 11.13 of Chapter 2 of Agenda 21.

L. *Transport, handling and disposal of hazardous wastes*

Objective:

To reduce, control, prevent and eventually eliminate damage and minimize the risk thereof from the generation, management, transport, handling and disposal of hazardous wastes.

Strategy:

Promote wide participation in, and effective implementation of, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and related regional agreements.

Activities:

(a) Encourage wide participation in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

(b) Assist developing countries in the formulation and implementation of national legislation and the establishment of related institutional and administrative mechanisms to implement the Basel Convention and related regional agreements;

(c) Provide assistance, upon request, to the Parties to the Basel Convention to develop machinery for controlling transboundary movement of hazardous wastes and prepare a Protocol on liability and compensation;

(c) Assist the Parties to the Basel Convention in their consideration of, the review and revision, as necessary, of the Basel Convention and related regional agreements in the light of experience acquired in their implementation.

M. *International trade in potentially harmful chemicals*

Objective:

To ensure that international trade in all types of potentially harmful chemicals is conducted in a safe and environmentally sound manner taking due account of the rights of, and fully respecting matters of health and environment of, transit and importing States and, to this end, to ensure the safe and environmentally sound management of potentially harmful chemicals.

Strategy:

Review, update and strengthen the London Guidelines for the Exchange of Information on Chemicals in International Trade, as amended, with particular emphasis on the prior informed consent (PIC) procedure, promote their wide and effective implementation, and consider the development of legally binding instruments and other appropriate programmes.

Activities:

(a) Encourage the widest possible acceptance and effective implementation of the amended London Guidelines;

(b) Update information on the subject, including inputs from the International Register of Potentially Toxic Chemicals (IRPTC) on the implementation of the London Guidelines;

(c) Assist the implementation of the amended London Guidelines through the development of guidelines for national legislation and institutional machinery.

(d) Consider the need for the development of a global convention, taking into account the experience gained in the implementation of the amended London Guidelines and the FAO Code of Conduct on Pesticides, concentrating mainly on the PIC procedure, including the questions relating to the regulation of export of chemicals of which the use is banned or severely restricted in the exporting country;

(e) Strengthen and expand programmes on chemical risk assessment in accordance with paragraph 14 of Chapter 19 of Agenda 21;

(f) Invite the relevant international bodies to jointly convene an intergovernmental meeting on chemical risk assessment and management;

(g) Assist States in developing community right-to-know or other public information-dissemination programmes, when appropriate, as possible risk reduction tools;

(h) Consider developing a guidance document on community right-to-know or other public information-dissemination programmes for use by interested Governments, building on existing work on accidents and including new guidance on toxic emission inventories and risk communication;

(i) Consider the establishment of a globally harmonized hazard classification system and the elaboration of a harmonized labelling system;

(j) Strengthen consultation of relevant agencies engaged in the field, in order to enhance cooperation and harmonization of their activities;

(k) Assist States in encouraging the development of procedures for the exchange between countries of their assessment reports on chemicals for use in national chemical assessment programmes, as provided in paragraph 14(c) of Chapter 19 of Agenda 21.

(l) Pursue the development of a code of ethics on international trade in potentially harmful chemicals aimed at achieving the objectives of the amended London Guidelines;

(m) Promote the strengthening of national capabilities and capacities for the safe and environmentally sound management of chemicals, and the prevention of illegal international traffic in potentially harmful chemicals.

N. *Environmental protection and integrated management, development and use of inland water resources*

Objective:

To prevent, reduce and control the degradation of inland water resources through the application, as appropriate, of an integrated approach to the development, management and use of water resources thereby assisting States to prevent disputes and ensure that adequate supplies of water of good quality are maintained for the entire population of this planet.

Strategy:

(a) Encourage the development of cooperative mechanisms between States including, as appropriate, international legal instruments for the protection and integrated management, development and use of transboundary water resources with a view to the prevention, reduction, control and reversal of their degradation and for the prevention and peaceful resolution of disputes between States;

(b) Promote the development of national legislation, institutions and programmes for the protection and efficient management of inland water resources, with particular emphasis on maintaining an adequate supply of safe drinking water, while preserving the hydrological, biological, and chemical functions of ecosystems, adapting human activities within the capacity limits of nature and combating vectors of water-related diseases.

Activities:

(a) Cooperate closely with other bodies dealing with the integrated management, development and use of inland water resources;

(b) Promote and develop legal regimes, as appropriate, for the conservation and integrated management, development and use of transboundary water resources, taking into account, *inter alia*, the International Law Commission's Draft Articles on the Law of Non-navigational Uses of International Watercourses, the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and other relevant regional and subregional conventions;

(c) Encourage and assist the development of national legislation, institution and programmes, including effective enforcement mechanisms;

(d) Identify and propose rules and procedures for dispute prevention and dispute settlement that are suitable for inclusion, as appropriate, in international instruments dealing with the integrated management, development and use of transboundary water resources.

O. *Marine Pollution from land-based sources*

Objective:

To prevent, reduce and control pollution of the marine environment and degradation of coastal areas from land-based sources of pollution, and to reduce or minimize the adverse effects that have already occurred.

Strategy:

Cooperate in the development of regional treaties, protocols or other instruments regarding the degradation of the marine environment from land-based activities, where necessary, update and strengthen the Montreal Guidelines for the Protection of the Marine Environment Against Pollution from Land-Based Sources and promote their widest possible acceptance by States; and consider the elaboration, if necessary, of a global instrument, in accordance with the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

Activities:

(a) In cooperation with relevant international organizations, review and, where necessary, strengthen existing bilateral, subregional or regional agreements and protocols or develop new instruments for the protection of the marine environment from land-based sources of pollution;

(b) Review and, where necessary, revise the 1985 Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources of Pollution;

(c) Provide advice to States in the elaboration, adaptation, development and enforcement of national legislation, implementing relevant rules and standards concerning land-based sources of pollution;

(d) On the basis of the experience acquired in the implementation of existing instruments, examine the need for and advisability of developing global rules and standards with or without a treaty;

(e) In pursuance of Agenda 21 (paragraph 26 of Chapter 17), the UNEP Governing Council should convene, as soon as practicable, an intergovernmental meeting on the protection of the marine environment from land-based activities to take forward these tasks.

P. *Management of coastal areas*

Objective:

To promote the integrated management and sustainable development of coastal areas.

Strategy:

Promote, in cooperation with relevant United Nations and other competent international bodies, the application of the concept of sustainable development in the management of coastal areas and the pursuit, for this purpose, of an integrated approach, through effective action at the national, subregional and regional levels.

Activities:

Develop guidelines for national legislation to implement the principles on integrated management and sustainable development of coastal and marine areas set out in programme area A of Chapter 17 (integrated management and sustainable development of coastal and marine areas, including exclusive economic zones) of Agenda 21.

Q. *Protection of the marine environment and the law of the sea*

Objective:

To assist States, as appropriate, to promote the protection of the marine environment through the development, and effective implementation of, international law in that field including regional cooperation and those instruments developed under the Regional Seas Programme.

Strategy:

Promote the application of, and respect for, international law related to protection of the marine environment as reflected in the 1982 United Nations Convention on the Law of the Sea and in other relevant international instruments, which law provides the basis on which to pursue protection and sustainable development of the marine environment.

Activities:

(a) Assist States to promote the protection of the marine environment in accordance with Chapter 17 of Agenda 21;

(b) Keep under continual review the results of scientific research, with a view to addressing appropriately any environmental problems that could arise in the future in this area;

(c) Support the proposal in Agenda 21 (paragraph 50 of Chapter 17) for the convening under United Nations auspices of an intergovernmental conference on straddling fish stocks and highly migratory fish stocks, taking into account relevant activities at the subregional, regional, and global levels, with a view to promoting effective implementation of the 1982 United Nations Convention on the Law of the Sea.

B. *International cooperation in environmental emergencies*

Objective:

To achieve effective international, as well as regional cooperation in the monitoring, assessment, anticipation, prevention of, and response to environmental emergencies, and to develop appropriate legal arrangements for cooperation and assistance in dealing with environmental emergencies.

Strategy:

To develop, in cooperation with relevant agencies and organizations, necessary arrangements at appropriate levels, and where appropriate on a sectoral basis, for effective cooperation and assistance in dealing with environmental emergencies.

Activities:

(a) In cooperation with relevant agencies and organizations, review the experience gained in the implementation of existing arrangements relating to the handling of environmental emergencies, with a view to identifying areas of possible improvements and provide for arrangements for monitoring, assessment and prevention of environmental emergencies;

(b) Consider the need for the development of instruments and arrangements at the appropriate levels, including those dealing with early notification, cooperation and mutual assistance in environmental emergencies;

(c) Review, in cooperation with relevant United Nations organs and organizations, the operation of the United Nations Centre for Urgent Environmental Assistance established by the Governing Council, with a view to deciding on its continuation after the expiry of the experimental period in 1993;

(d) Upon request of the competent bodies cooperate with and provide assistance to those bodies in their examination, if found necessary, of existing international rules for the protection of the environment during armed conflict.

8. *Additional subjects for possible consideration during the present decade*

The following additional subjects have been identified as areas where action by the appropriate international bodies to develop international legal responses may be appropriate during the present decade:

(a) Environmental protection of areas beyond the limits of national jurisdiction;

(b) Use and management of biotechnology, including the question of intellectual and property rights with respect to genetic resources;

(c) Liability and compensation/restitution for environmental damage;

(d) Environment and trade;

(e) Examination of the environmental implications of international agreements on subjects which do not relate directly to the environment;

(f) Environmental problems of human settlements, including their growth;

(g) Transfer of appropriate technology and technical cooperation.